

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Richard A. Terwilliger

Gary A. Lamoureux

SC/Serial No.: 10/132,930

Confirm. No.: 8309

Filed: April 26, 2002

Title: IMPROVED DELIVERY FOR INTERSTITIAL
RADIOTHERAPY USING HOLLOW SEEDS

PATENT APPLICATION

Art Unit: 3736

Examiner:

Customer No. 23910

**DECLARATION FOR PATENT APPLICATION
(PRIORITY UNDER 35 U.S.C. §119/§120/§365)**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only my name is listed below) or the original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention identified by "Title" above and by the specification identified below (check applicable ones):

The specification:

_____ is attached hereto;
_____/_____/_____ was filed with the above-identified "SC/Serial No." and "Filed" date;
_____ was amended on (or through) _____.

I have reviewed and understand the contents of the above-identified specification including the claims and including any above-identified amendment(s).

I acknowledge a duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability of the application as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim the benefit of priority under 35 U.S.C. §119(e) of any United States Provisional applications listed below:

| <u>Prior U.S. Application(s)</u> | | |
|----------------------------------|-----------------------------|---|
| <u>Application Serial No.</u> | <u>Day/Month/Year Filed</u> | <u>Status: (patented, pending, abandoned)</u> |
| a) 60/336,329 | 2 November 2001 | pending |
| b) 60/360,260 | 26 February 2002 | pending |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and insofar as the subject matter of each of the claims of this application is not disclosed in such prior United States or PCT International applications in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

| <u>Application Serial No.</u> | <u>Prior U.S. or PCT Application(s)</u> <u>Day/Month/Year Filed</u> | <u>Status: (patented, pending, abandoned)</u> |
|-------------------------------|--|---|
| a) 10/035,083 | 28 December 2001 | pending |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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